

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.644 of 2015

B. Gopal Rao Subudhi & Anr.

....

Petitioner(s)

Miss D. Mohapatra,
Advocate

-versus-

Sibaram Sahu & Ors.

....

Opposite Party(s)

None

CORAM:

JUSTICE BISWANATH RATH

ORDER

05.05.2022

Order No.

05.

1. Heard the submission of Miss Mohapatra, learned counsel for the Petitioners. In spite of appearance of a battery of Counsel on behalf of the Opposite Party Nos.1 to 6, nobody appears at the time of call.

This Court finds surprise in the pendency of this application filed challenging the outcome in a petition U/o.39 Rule 3 of C.P.C. for over seven years. It is, at this stage of the matter, entering into the submission of Miss Mohapatra, learned counsel for the Petitioners, this Court did not find any statement on the outcome involving the application U/o.39 Rule 1 & 3 of C.P.C. Be that as it may, this Court finds, while issuing notice this Court in disposal of the Miscellaneous Application by its order dated 14.05.2015 has directed parties for maintaining status quo. The order of status quo appears to be continuing as of now. This Court, therefore, in disposal of the C.M.P. observes, in the event there is already disposal of the application U/o.39 Rule 1 & 2 of C.P.C., the same shall govern the field. Further in the event there is no disposal of the application U/o.39 rule 1 & 2 of

C.P.C. by the trial court under the impression of interim order of this Court and also for the pendency of the present C.M.P., order of status quo shall continue for one month, within which period the application U/o.39 Rule 1 & 2 shall be disposed of. This order is, however, provided the civil suit is still pending.

2. The C.M.P. stands disposed of with the above observation and direction.

(Biswanath Rath)
Judge

Ayaskanta Jena

